

**RECORDS RETENTION AND DISPOSITION SCHEDULE
GENERAL SCHEDULE NO. 26
PRETRIAL SERVICE RECORDS
PRETRIAL SERVICE AGENCIES**

The schedule on the attached page(s) is approved with agreement to follow the records retention and disposition conditions listed below:

APPROVED: Conley Edwards, STATE RECORDS ADMINISTRATOR

EFFECTIVE SCHEDULE DATE September 16, 2005

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CONDITIONS FOR RECORDS RETENTION AND DISPOSITION

1. This schedule is continuing authority under the provisions of the Virginia Public Records Act, §§ 42.1-76, et. seq. of the *Code of Virginia* for the retention and disposition of the records as stated on the attached page(s).
2. This schedule supersedes previously approved applicable schedules.
3. This schedule is used in conjunction with the *Certificate of Records Disposal* (Form RM-3). A signed RM-3 must be approved by the designated records officer and on file in the agency or locality before records can be destroyed. After the records are destroyed, the original signed RM-3 must be sent to Library of Virginia (LVA).
4. Any records created before the Constitution of 1902 came into effect (January 1, 1904) must be offered, in writing, to the LVA before applying these disposition instructions. Offered records can be destroyed 60 days after date of the offer if no response is received from the LVA. A copy of the offer must be attached to the RM-3 form when it is submitted to the LVA.
5. All known audits and audit discrepancies regarding the listed records must be settled before the records can be destroyed.
6. All known investigations or court cases involving the listed records must be resolved before the records can be destroyed. Knowledge of subpoenas, investigations or litigation that reasonably may involve the listed records suspends any disposal or reformatting processes until all issues are resolved.
7. The retentions and dispositions listed on the attached page(s) apply regardless of physical format, i.e., paper, microfilm, audio-visual, electronic storage, optical imaging, etc. Unless prohibited by law, records may be reformatted at agency or locality discretion. All reformatting must be done in accordance with The Library of Virginia Guidelines for Electronic Records and Microfilm and with §§ 17VAC15-20-10, et. seq. of the *Virginia Administrative Code*, "Standards for the Microfilming of Public Records for Archival Retention." All records must be accessible throughout their retention period in analog or digital format. Whether the required preservation is through prolongation of appropriate hardware and/or software, reformatting or migration, it is the obligation of the agency or locality to do so.
8. Custodians of records must ensure that information in confidential or privacy protected records is protected from unauthorized disclosure through the ultimate destruction of the information. Normally, destruction of confidential or privacy-protected records will be done by shredding or pulping. "Deletion" of confidential or privacy-protected information in computer files or other electronic storage media is not acceptable. Electronic records must be "wiped" clean or the storage media physically destroyed.
9. Under the *Virginia Public Records Act*, (§ 42.1-79) the Library of Virginia is the official custodian and trustee of all state agency records transferred to the Archives, Library of Virginia. The Library may purge select records in accordance with professional archival practices in order to ensure efficient access.
10. Unless otherwise directed, files are closed out at the end of each calendar or fiscal year as appropriate. Retention periods start at that time.

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RECORDS SERIES AND DESCRIPTION	SERIES NUMBER	SCHEDULED RETENTION AND DISPOSITION
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Administrative Records

Refer to *General Records Retention and Disposition Schedule No. GS-19, Administrative Records*, for retention guidelines.

The series documents the common functions and administration of various types of offices; records not otherwise listed on this schedule.

Defendant Case Files

007092

Retain 3 years after the date of last service, then destroy in compliance with No. 8 on the schedule cover page.

This series provides information on the defendant that is gathered by the pretrial services officer. The information is provided to judicial authorities to determine the risk to public safety and the assurance of appearance of persons held in custody and charged with an offense, other than an offense punishable by death, who are pending trial or hearing. The series may consist of charges, court notices and forms, pretrial investigation documents, defendant drug and alcohol testing records, records documenting the defendant's participation in community service, records of defendant's court-ordered payment of fines and/or costs, and other materials that will assist in making the proper determinations.

Electronic Records

Refer to *General Records Retention and Disposition Schedule No. 23, Electronic Records*, for retention guidelines.

This series documents records created or stored in any electronic format; records not otherwise listed on this schedule.



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<p><u>Employee Bonding Records</u></p> <p>This series documents the bonding of employees in performance of their job duties. Generally, the localities purchase performance bond coverage for their employees on an annual basis.</p>	007093	Retain 3 years after the expiration of the bond or until completion of the next certification audit, whichever is longer, then destroy in compliance with No. 8 on the schedule cover page.
<p><u>Employee Drug and Alcohol Testing Results</u></p> <p>The series documents the results of drug and alcohol testing of the employees.</p>		Refer to records series 010228, "Drug or Alcohol Screening or Testing Records" in <i>General Records Retention and Disposition Schedule No. GS-3, Personnel Records</i> for retention period.
<p><u>Employee Personnel File</u></p> <p>This series documents employment history.</p>		Refer to records series 010233, "Employee Personnel Files" in <i>General Records Retention and Disposition Schedule No. GS-3, Personnel Records</i> for retention period.
<p><u>Employee Training Records</u></p> <p>This series documents the required and voluntary training received by the employee.</p>	007094	Retain 3 years or until next certification audit, whichever is longer, then transfer to the Employee Personnel File.
<p><u>Fiscal Records</u></p> <p>This series documents the expenditure of funds, accounting for funds, routine purchases and other activities of an accounting or financial nature; records not otherwise listed on this schedule.</p>		Refer to <i>General Records Retention and Disposition Schedule No. GS-2, Fiscal Records</i> , for retention guidelines.

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<u>Lease Proposals – Accepted</u> This series consists of the lease proposals for the use of buildings/facilities for which the service agency enters into a contract.		Refer to records series 005227, “Real Property – Leases” in <i>General Records Retention and Disposition Schedule No. GS-16, General Services Records</i> for retention period.
<u>Lease Proposals – Rejected</u> This series consists of the lease proposals for the use of buildings/facilities which the agency has rejected or declined.	007095	Retain 1 year after rejection of the proposal, then destroy in compliance with No. 8 on schedule cover page.
<u>Personnel Records</u> This series documents the management of staff and administration of benefits to staff; records not otherwise listed on this schedule.		Refer to <i>General Records Retention and Disposition Schedule No. GS-3, Personnel Records</i> , for retention guidelines.
<u>Pretrial Investigation Records</u> This series consists of the materials that are gathered by the pretrial services officer in conducting the pretrial investigation. The series may consist of background checks, criminal history checks, social and family background checks, court records and any other materials which would be relevant to pretrial evaluations.	007096	Retain 3 years after pretrial determination is made or until next certification audit, whichever is longer, then destroy in compliance with No. 8 on the schedule cover page.